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9 *Attorneys for Tahoe Regional Planning Agency,  
Joanne Marchetta, Marsha Berkbigler and Sue  
Novasel*

10 UNITED STATES DISTRICT COURT

11 EASTERN DISTRICT OF CALIFORNIA

12  
13 MONICA EISENTECKEN, TAHOE  
14 STEWARDS, LLC, DAVID BENEDICT,  
15 ANGELA LYNN BENEDICT, SUCCESSOR  
IN INTEREST, TAHOE FOR SAFER TECH,  
16 and ENVIRONMENTAL HEALTH TRUST,

17 Plaintiffs,

18 v.

19 TAHOE REGIONAL PLANNING  
20 AGENCY; JOANNE MARCHETTA, in her  
official and individual capacities, MARSHA  
21 BERKBIGLER in her official and individual  
capacities; SUE NOVASEL, in her official  
and representative capacities; GUILLIAM  
22 NEL; and SACRAMENTO-VALLEY  
LIMITED PARTNERSHIP dba VERIZON  
WIRELESS,

23 Defendants.

24 2:20-cv-02349-DJC-CKD

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28 **STIPULATION AND ORDER TO  
EXTEND TIME TO FILE  
RESPONSES TO THE  
FOURTH AMENDED COMPLAINT  
(THIRD REQUEST)**

Pursuant to Local Rule 144 and the Court’s Orders on the parties’ prior stipulations (ECF Nos. 105, 107), Plaintiffs Monica Eisenstecken, Tahoe Stewards, LLC, David Benedict, Angela Lynn Benedict, Successor in Interest, Tahoe for Safer Tech and Environmental Health Trust (collectively, “Plaintiffs”), and Defendants Tahoe Regional Planning Agency, Joanne Marchetta, Marsha Berkbigler and Sue Novasel (collectively, the “TRPA Defendants”) and Nominal Defendants Guilliam Nel and Sacramento-Valley Limited Partnership dba Verizon Wireless (collectively, the “Verizon Defendants”), through their respective undersigned counsel, stipulate and agree as follows:

On July 31, 2025, Plaintiffs filed their document titled “Fourth Amended Complaint, Petition for Writ of Mandate, Declaratory Relief and Injunctive Relief” (the “Fourth Amended Complaint,” ECF No. 103).

This is the parties' third request for an extension of time to file responses to the Fourth Amended Complaint. On the parties' previous stipulations, the Court granted Defendants and Nominal Defendants two consecutive 28-day extensions of time to respond to the Fourth Amended Complaint ("Previous Extensions," ECF Nos. 105, 107). Pursuant to the Previous Extensions, Defendants' and Nominal Defendants' response(s), if any, to the Fourth Amended Complaint are currently due on or before November 7, 2025. The second extension states, "If the parties need additional time to engage in further settlement discussions, they will file a future stipulation for extension of time on or before November 7, 2025." (ECF No. 107). The parties file this third request in compliance with that language.

Plaintiffs and the TRPA Defendants continue to engage in settlement discussions that, if successful, would result in the dismissal of this action with prejudice. As a result of and to further facilitate those settlement discussions, the parties have filed a stipulation to dismiss Nominal Defendant Guilliam Nel from the action without prejudice (ECF No. 108). Additional time is needed to consider and discuss settlement proposals and to have those vetted through TRPA's processes, including consideration by the TRPA Board and to account for the intervening holidays. Based on the Board's meeting schedule and the steps that would be

**Stipulation and Order to Extend Time to File Responses to the Fourth Amended Complaint  
(THIRD REQUEST)**

needed to have a settlement vetted and approved, and to allow these parties to dedicate their time and resources towards a potential settlement, rather than in furtherance of continued litigation, the parties seek to extend the existing deadline for Defendants and the remaining Nominal Defendant to respond to the Fourth Amended Complaint.

NOW THEREFORE,

The parties stipulate and agree that the due date for all Defendants and Nominal Defendants to respond to the Fourth Amended Complaint shall be extended by 147 days. All Defendants and Nominal Defendants shall file their response(s), if any, to the Fourth Amended Complaint on or before April 3, 2026.

If the parties need additional time to engage in further settlement discussions or finalize any settlement, they will file a future stipulation for extension of time on or before April 3, 2026.

*[Continued on following page]*

1       The parties represent that this stipulation is made in good faith and not for the purpose  
2 of delay.

3       DATED: November 4, 2025

4       LEONARD LAW, PC

5       /s/ Debbie Leonard

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13      *Attorneys for TRPA Defendants*

14      DATED: November 4, 2025

15      MACKENZIE & ALBRITTON LLP

16      /s/ Melanie Sengupta (as authorized on 11/4/2025)

17      MELANIE SENGUPTA (#244615)  
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19      *Attorneys for Verizon Defendants*

20      **IT IS SO ORDERED.**

21      Dated: November 5, 2025

22      DATED: November 4, 2025

23      LAW OFFICE OF ROBERT J. BERG

24      /s/ Robert J. Berg (as authorized on 10/30/2025)

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28      *Attorneys for Plaintiffs*

29      /s/ Daniel J. Calabretta

30      The Honorable Daniel J. Calabretta  
United States District Judge

31      **Stipulation and Order to Extend Time to File Responses to Fourth Amended Complaint  
(THIRD REQUEST)**

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(THIRD REQUEST)**